



PUBLIC NOTICE

File Number: NRS 13.115

Pursuant to Chapter 0400-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Lisa Carnes
Partner NW Burkitt, LLC
213 Overlook Cr
Brentwood, TN 37027
615-376-8273

LOCATION: The proposed alterations are in Davidson County, Nolensville, TN at the Burkitt Place Subdivision

Latitude: 35.98726 Longitude: -86.66930

PROJECT DESCRIPTION: The applicant proposes to install a 4'x8', 3-sided box over an unnamed tributary to Mill Creek. This culvert will encapsulate 100 linear feet of stream. The applicant also proposes to install water, sewer, gas, electric, telephone, and cable lines within the public right of way, using the open trench method, at the same location. This Common Plan of Development has exceeded the threshold of de minimis for cumulative impacts to aquatic resources at this site. Therefore the applicant is required to mitigate this activity.

The applicant is coordinating with US Fish and Wildlife Services concerning the potential impact this activity may have on endangered species. The USFWS will determine if the application, as proposed, and with the implementation of the best management practices described within the application, will or will not jeopardize the continued existence of endangered species within the vicinity of the proposed activity.

Mitigation: The applicant will remove two historic culverts along nearby tributaries to Mill Creek. At location #1, Owl Creek, a 35 linear foot, 6-barrel road crossing will be removed. In addition, 25 linear feet of poured in place concrete connected to the crossing will be removed. The channel will be returned to its natural cross-section and the riparian zone will be planted with native trees.

At location #2, Edmonson Branch, a 30 linear foot, 6-barrel road crossing and 20 linear feet of poured-in-place concrete will be removed. The channel will be returned to its natural cross-section and the riparian zone will be planted with native trees.

DEGRADATION: In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the division has determined that the proposed activities will not result in degradation to water quality.

WATERSHED / WATERBODY DESCRIPTION: This project is in the Mill Creek area that is encompassed by the Cheatham Lake watershed. The headwaters of Mill Creek are at the intersection of western Rutherford County with the southeastern portion of Davidson County and the northeastern portion of Williamson County. Mill Creek flows west to State Route 252. It then turns northward towards the Cumberland River draining the eastern side of the city of Brentwood, and most of Antioch, Glenciff, Woodbine, and the Nashville International Airport before reaching its confluence with the Cumberland River. This watershed has characteristic limestone bedrock channels, caves, and high bluffs in some locations. The land use is primarily rural and suburban in the headwaters. As it enters Davidson County land use increases from suburban to commercial, ending in industrial at the mouth of the watershed. To find out more information about this watershed click here;

<http://www.tn.gov/environment/watersheds/five/cheatham/>

Stream Name / ID #: Unnamed tributary to Mill Creek (TN05130202007_0999)

Ecoregion:	71i; Inner Nashville Basin		
Stream Dimension:	Channel bottom width	4-6 feet	
	Chanel top width	10-20 feet	
	Water depth	1-2 feet	
	Bank height	4-6 feet	
Substrate:	Gravel/bedrock		

This stream is unassessed. Mitigation will be in-system.

Assessment Date: N/A

PERMIT COORDINATOR: Vena Jones

FACTORS CONSIDERED: In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

COMMENTING: Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING: Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

APPEAL: A permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105(i) and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Tisha Calabrese Benton, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave, 11th floor, Nashville, TN 37243. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

FILE REVIEW: The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

Location/Topographic Map





